

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**WILLIAM R. GOODREAU,**

**Plaintiff,**

**v.**

**Dr. SARALYN WILLIAMS,**

**Defendant.**

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**Case No. 3:08-0725**

**Judge Echols**

**ORDER**

On July 28, 2008, Plaintiff filed a seventeen-page Complaint (with 538 pages of exhibits) in which he alleges “gross negligence in the testing for and non-treatment of toxic chemical poisoning.” (Docket Entry No. 1 at 1). Since the filing of the Complaint, Plaintiff has not participated in this action.

The Magistrate Judge issued a Report and Recommendation (“R & R”) (Docket Entry No. 14) on February 26, 2009 which recommends dismissing this case for lack of subject matter jurisdiction. Plaintiff has not objected to the R & R, even though he was specifically advised that any objections needed to be filed within 10 days of receipt of the R & R (Id. at 11).

Where, as here, no objections are made to the R & R, “[t]he district judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.” Fed.R.Civ.P. 72(b).

This Court has reviewed the entire file in this case and finds that the Magistrate Judge, in his lengthy and well-reasoned decision, properly determined that this court lacks subject matter jurisdiction. Plaintiff does not claim diversity jurisdiction. The only arguable basis for federal

question jurisdiction is the Federal Medicare Act, but Plaintiff has not shown that he has exhausted his administrative remedies so as to entitle him to judicial review.

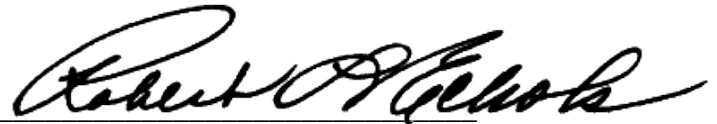
Accordingly, the Court rules as follows:

(1) The Report and Recommendation (Docket Entry No. 14) is hereby ACCEPTED and APPROVED; and

(2) This case is hereby DISMISSED WITHOUT PREJUDICE for lack of subject matter jurisdiction.

Entry of this Order on the docket shall constitute entry of a final judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written in a cursive style.

ROBERT L. ECHOLS  
UNITED STATES DISTRICT JUDGE